

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:07-cv-03614-RPP/RLE

HUDSON REALTY CAPITAL FUND III LP,  
HRC FUND III POOLING DOMESTIC LLC,  
and HRC FUND III POOLING REIT, LLC,

Plaintiffs,

v.

MILLENNIA LUXURY CONDOMINIUMS  
(FLORIDA) LLC, EDUARDO AVILA and  
JACK KAPLAN,

Defendants

**WITHDRAWAL OF DEFENDANTS' MOTION TO DISMISS**

Millenia Luxury Condominiums (Florida) LLC, Eduardo Avila and Jack Kaplan, Defendants, as a result of a ruling in a companion case pending in the United States District Court for the Southern District of Florida, hereby withdraw with prejudice their previously filed Motion to Dismiss [C.P.# 5]. The Defendants will respond to the Complaint on or before January 8, 2008.

Dated: December 31, 2007.

Respectfully submitted,

ADORNO & YOSS LLP  
Attorneys for Defendants

By: /s/Stephen C. Hunt

Stephen C. Hunt (SH 6603)  
350 East Las Olas Boulevard, Suite 1700  
Fort Lauderdale, Florida 33301-4217  
Phone: (954) 763-1200  
Fax: (954) 766-7800  
Email: [shunt@adorno.com](mailto:shunt@adorno.com)